

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

October 24, 1994

IN REPLY REFER TO:

RECEIVED

OCT 24 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable Conrad Burns  
United States Senator  
Attention: Gayle Trusler  
2708 First Avenue North  
Billings, MT 59101

Dear Senator Burns:

This letter responds to your correspondence on behalf of Blaine and Phoebe Clemens regarding charges on their telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

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List A B C D E \_\_\_\_\_

The Honorable Conrad Burns  
Page 2

complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosure

CONRAD BURNS  
MONTANA

94011807

# United States Senate

WASHINGTON, DC 20510-2603

July 17, 1994

COMMITTEES:  
APPROPRIATIONS  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
SMALL BUSINESS  
SPECIAL COMMITTEE ON AGING

CCB  
CC-800  
CC-900  
3476

Lauren J. Belzin  
Acting Director, Office of Legislative Affairs  
Federal Communication Commission  
Room 808  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: CLEMENS, Blaine & Phoebe

Dear Ms. Belzin:

I was recently contacted by my constituents Blaine & Phoebe Clemens regarding "fantasy calls" which are being accessed through an 800-number and then being charged to their telephone number.

I find this practice most disturbing and I would appreciate it very much if you would review all facets of this case carefully to determine what options are available for a fair and reasonable solution to my constituent's problem. Also, please advise me as to whether further legislation is needed to address this problem. Please direct your correspondence to my office at:

Senator Conrad Burns  
Attention: Gayle Trusler  
2708 First Avenue North  
Billings, MT. 59101  
(406) 252-0550

Nothing is more important than justifying the trust placed in me when constituents have asked for help on their behalf. Working together, I hope we can resolve this situation expeditiously. Thank you in advance for your assistance in this matter.

Sincerely,



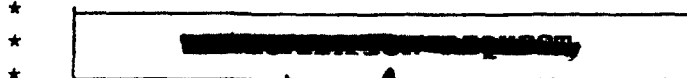
Conrad Burns  
United States Senator

CRB\gat  
enclosure: 1

FCC

CONSTITUENT REQUEST FOR ASSISTANCE FORM

NAME Blaine & Phoebe Clemens  
ADDRESS 3767 Blackwood Rd.  
CITY Bozeman STATE MT ZIP 59715  
PHONE (H) 585-5301 (O) Phoebe - 587-3113  
Blaine 586-5813



Sponsor \_\_\_\_\_  
Bill # \_\_\_\_\_  
For: \_\_\_\_\_ Against: \_\_\_\_\_

Sponsor \_\_\_\_\_  
Bill # \_\_\_\_\_  
For: \_\_\_\_\_ Against: \_\_\_\_\_

Comments: \_\_\_\_\_

They ~~had~~ their long distance carrier switched w/out their approval. Then 900 charges showed up on CASE their bill. 900 numbers have many

different carriers & they try to block them but then they show up as 800 numbers. The user calls the 800 number & is transferred to a 900#. It has been going on for months & each month it is a different company & different #'s. They have changed phone numbers, put blocks on the #, contacted the PSC & have not helped. They need help. Most of what is going on is illegal but not enforced. They want the laws enforced and the phone company to help stop even if it takes legislation to do it. They think

Date 7-8-94 Staff SKB

900#s it should be a subscribed service.

Blaine A. and Phoebe A. Clemens

3767 Blackwood Road, Bozeman, MT 59715 (406) 585-5301

W-7-3113

Phoebe

6-5213

Blaine

W. Clemens

July 5, 1994

Ms. Kate Whitney  
PSC  
P.O. Box 202601  
Helena, MT 59620

Dear Ms. Whitney:

Enclosed please find copies of my June, 19, 1994, telephone bill. As you can see we continue to be charged for fantasy calls, especially those placed through 800 access lines. Also enclosed is a copy of a letter from American TelNet stating that they will not credit our account for calls placed because TelNet "feels previous steps could have been taken to prevent to charges that are now in dispute." Please note that the \$212.63 of calls in dispute on this bill are all *800 number* access calls and *not* 900 calls as referred to in the letter! As you well know, the service that makes these calls available is illegal. Furthermore, we are *utterly incapable* of taking any steps to prevent the calls short of disconnecting our phone because 800 calls are supposedly toll-free and impossible to block in the same manner that 900 numbers are blocked.

Also enclosed is an article about dial-a-porn and previous legal decisions regarding it. Although the material is dated, I thought you might be interested. I am hopeful that US West will eventually refuse to bill for companies that provide illegal services.

Just for your information, we have changed our phone number in hopes of decreasing some of the charges. We realize this is probably futile, but we hesitate to disconnect our phone. We are also looking for another place to live, hoping that a change in lines will put an end to this problem.

As in the past, I remain enraged at this situation and enjoin your help in railing against it. Please forward my concerns to the FCC and any pertinent agencies. Thank you.

Sincerely,



Phoebe Clemens

Enclosures: 6/19 bill  
American TelNet letter  
Dial-a-porn article

**U S WEST COMMUNICATIONS** Ⓢ

PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

U S WEST COMMUNICATIONS PAGE 1

TOTAL AMOUNT DUE	• PAST DUE CHARGES	\$196.64
	• CURRENT CHARGES DUE JUL 12	\$386.84
	• TOTAL AMOUNT DUE	\$583.48

ACCOUNT SUMMARY • PAST CHARGES AND CREDITS

PRIOR CHARGES	365.60
ADJUSTMENTS	136.10CR
PAYMENTS	32.86
• TOTAL CHARGES PAST DUE	\$196.64

• CURRENT CHARGES DUE JUL 12, 1994

U S WEST COMMUNICATIONS	
LOCAL CHARGES	39.98

Questions call 1-800-244-1111

MCI TELECOMMUNICATIONS	38.53
------------------------	-------

Billing inquiries call 1-800-999-9100

LONG DISTANCE BILLING CO.	46.26
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Billing inquiries call 1-800-748-4309

FEDERAL TRANSTEL, INC.	16.40CR
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Billing inquiries call 1-800-388-8111

AMERICAN TELNET, INC.	212.63
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Billing inquiries call 1-800-460-0307

INTEGRETEL, INC.	60.11
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Billing inquiries call 800 736-7500

OMEGA TEL INC.	65.76
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Billing inquiries call 1 800 950-2532

ITA	37.08CR
-----	---------

Billing inquiries call 1-800-866-8889

RETURN U S WEST COMMUNICATIONS  
ADDRESS SALT LAKE, UT 84135-0001

Please fold on the perforation above, detach and return with your payment payable to U S WEST Communications

BILL DATE: JUN 19, 1994	PAST DUE CHARGES	\$196.64
ACCOUNT NUMBER: 406-585-5301-224R	CURRENT CHARGES DUE JUL 12	\$386.84
	TOTAL AMOUNT DUE	\$583.48

PHOEBE CLEMENS  
BLAINE CLEMENS  
3767 BLACKWOOD RD  
BOZEMAN MT 59715-9130

|||||

Enter Amount Paid  
(If different from  
amount due)

U S WEST COMMUNICATIONS  
SALT LAKE, UT 84135-0001

|||||

51 04406585530102245 2952071294 000001966407 000005834809



PRINTED ON RECYCLABLE PAPER

**VRS BILLING SYSTEMS** 22.95CR  
*Billing inquiries call 800 800-2526*  
 • TOTAL CURRENT CHARGES \$386.84  
 • TOTAL AMOUNT DUE \$583.48

*We appreciate your business*

\* A balance over \$45.00 left unpaid 30 days after bill date is subject to a 1.0% late payment charge.

The long distance company you have selected for calls outside your U S WEST Communications long distance area is MCI

**U S WEST COMMUNICATIONS LOCAL CHARGES**
**ITEMIZED MONTHLY SERVICE**

**BASIC SERVICE\***  
 1 RESIDENCE LINE - TARIFFED 14.84  
**OPTIONAL SERVICES\*\***  
 1 NON-PUBLISHED SERVICE-TARIFFED 3.00  
**TOTAL** 17.84

\*BASIC SERVICES ARE THE SERVICES THAT ARE NECESSARY FOR YOU TO USE YOUR TELEPHONE.

\*\*OPTIONAL SERVICES ARE PROVIDED AT YOUR REQUEST AND ARE NOT REQUIRED AS PART OF YOUR BASIC TELEPHONE SERVICE.

**MONTHLY SERVICE**

MONTHLY SERVICE - JUN 19 THRU JUL 18 17.84  
 CUSTOMER ACCESS SERVICE - INTERSTATE 3.50  
 MONTANA TELECOMMUNICATIONS ACCESS SERVICE .10  
 MONTANA 911 EMERGENCY SERVICE FUND .25  
**SUBTOTAL** \$21.69

**ACCOUNT ACTIVITY**

1 MONTHLY SERVICE ADDITION AT 3.00 FROM 1.50  
 06-03-94 TO 06-19-94  
 2 MONTHLY SERVICE FOR NEW NUMBER AT 21.34 10.67  
 FROM 06-03-94 TO 06-19-94  
 3 CREDIT FOR MONTHLY SERVICE PREVIOUSLY BILLED FOR OLD 10.67CR  
 NUMBER AT 21.34 FROM 06-03-94 TO 06-19-94  
 4 TOTAL INSTALLATION CHARGE OF 20.45 10.22  
 1 OF 2 INSTALLMENTS INCLUDING TAX  
**SUBTOTAL** \$11.72

**LONG DISTANCE**

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
1	JUN 06	7:47P	WYELLOWSTN MT	406 646-4123	E	1	.21
2	JUN 08	6:06P	WYELLOWSTN MT	406 646-4123	E	34	5.36
3	JUN 18	8:51A	WYELLOWSTN MT	406 646-4123	N	1	.13
<b>SUBTOTAL</b>							\$5.70

FOR U S WEST COMMUNICATIONS QUESTIONS CALL 1-800-244-1111 (NO CHARGE)



**U S WEST** COMMUNICATIONS @

PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

U S WEST COMMUNICATIONS PAGE 3

• TAX SUMMARY

FEDERAL EXCISE TAX

SUBTOTAL .87  
\$.87

U S WEST COMMUNICATIONS LOCAL CHARGES \$39.98

NONPAYMENT OF NONREGULATED SERVICES OR SERVICES PROVIDED BY OTHER CARRIERS\*  
WILL NOT CAUSE DISCONNECTION OF YOUR REGULATED  
U S WEST COMMUNICATIONS TELEPHONE SERVICE.  
\*TOTAL SERVICE DISCONNECTION WILL APPLY IF U S WEST COMMUNICATIONS' AND OTHER  
CARRIER'S SERVICES CANNOT BE SEPARATELY DISCONNECTED.



FOR U S WEST COMMUNICATIONS QUESTIONS CALL 1-800-244-1111 (NO CHARGE)



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PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

MCI TELECOMMUNICATIONS PAGE 1

MCI Adjustments of 20.03CR have been applied

MCI Account Number: 6R176844

06/07/94

**PHOEBE CLEMENS**

Current Charges .....	37.41
Current Taxes .....	1.12
Total Current Charges and Taxes .....	\$38.53

You SAVE just by being an MCI customer. This month you saved a minimum of 11.12 on top of your already low MCI rates.

**Service Summary**

Best Friends -- 05/07/94 to 06/06/94 .....	1.00
Long Distance .....	33.25
International Long Distance .....	11.88
Total Card Calls .....	2.40
MCI Savings .....	11.12CR
Total Current Charges .....	\$37.41

**Taxes**

Federal Excise Tax .....	1.12
Total Current Taxes .....	\$1.12

Total Current Charges and Taxes ..... 38.53

**YOUR DISCOUNT PLANS**

**MCI Savings**

This amount includes your additional savings plan discounts on top of MCI's already low rates.

Best Friends Discount, Marked B .....	3.61CR
Best Friends Fee Waiver .....	1.00CR
Memorial Day Discount .....	.16CR
Friends & Family Discount, Calls Marked F .....	
Plus 50% Off Mother's Day Calls, Marked H .....	6.35CR
Total MCI Savings .....	\$11.12CR

**Best Friends**

You're receiving a 20% discount on every call to your Best Friend. And if they're with MCI, your savings double to 40%. Savings apply 7 days/week, 24 hours/day.

Best Friends -- 05/07/94 to 06/06/94 ..... \$1.00

**CALL INFORMATION**

**Long Distance**

Calls from 406-585-9424:

NO.	DATE	TIME	TO/FR PLACE	TO/FR AREA NUMBER	TYPE	MINUTES	AMOUNT
1	MAY 08	7:54P	H GREELEY	CO 303 356-9077	E	23	3.63
2	MAY 16	1:22P	QUINCY	FL 904 875-6566	D	1	.26
3	MAY 16	1:23P	QUINCY	FL 904 875-6566	D	1	.26
4	MAY 16	7:21P	B GREELEY	CO 303 356-9077	E	27	4.26
5	MAY 23	6:42P	B GREELEY	CO 303 356-9077	E	40	6.31
6	MAY 23	7:26P	PRESCOTT	AZ 602 775-5458	E	5	.78
7	MAY 28	9:19P	B GREELEY	CO 303 356-9077	N	5	.69

FOR MCI TELECOMMUNICATIONS Billing inquiries call 1-800-999-9100



PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

MCI TELECOMMUNICATIONS PAGE 2

Long Distance continued  
Calls from 406-585-9424:

NO.	DATE	TIME	TO/FR PLACE	TO/FR	AREA NUMBER	TYPE	MINUTES	AMOUNT
8	MAY 30	8:02P	B GREELEY	CO	303 356-9077	E	1	.15
9	MAY 30	8:37P	B GREELEY	CO	303 356-9077	E	19	3.00
10	MAY 31	10:23A	DIR ASST	CO	303 555-1212	D	1	.74
11	MAY 31	10:24A	GREELEY	CO	303 353-3845	D	13	3.50
12	JUN 01	9:26A	DIR ASST	CA	619 555-1212	D	1	.74
13	JUN 01	9:33A	CALIMESA	CA	909 797-5669	D	3	.80
14	JUN 01	9:36A	DIR ASST	CA	909 555-1212	D	1	.74
15	JUN 01	9:42A	COLTON	CA	909 824-9323	D	1	.26
16	JUN 01	9:43A	DIR ASST	CA	909 555-1212	D	2	.74
17	JUN 01	9:46A	DIR ASST	CA	909 555-1212	D	1	.74
18	JUN 01	9:47A	COLTON	CA	909 825-7572	D	1	.26
19	JUN 01	9:48A	COLTON	CA	909 825-3552	D	20	5.39
Total Calls from 406-585-9424:								\$33.25

Total Long Distance ..... \$33.25

International Long Distance  
Calls from 406-585-9424:

NO.	DATE	TIME	TO/FR PLACE	TO/FR	AREA NUMBER	TYPE	MINUTES	AMOUNT
20	MAY 08	8:28P	F CHURCHBD SK	306	896-2731	E	33	11.88
Total Calls from 406-585-9424:								\$11.88

Total International Long Distance ..... \$11.88

MCI Card

MCI Card tip: See the back of your MCI Card for instructions on using the # sign to make additional calls.

MCI Card Calls for 4065859424:

NO.	DATE	TIME	TO/FR PLACE	TO/FR	AREA NUMBER	TYPE	MINUTES	AMOUNT
21	MAY 15	4:51P	WASHINGTON DC	202	667-8012	N	10	2.40
FROM BOZEMAN MT 406 585-9424								
Total MCI Card Calls for 4065859424:								\$2.40

Total Card Calls ..... \$2.40

MCI Legend

F -- Friends & Family Calls  
B -- Best Friends Discount  
H -- Friends & Family Days

Type of Long Distance Calls

D -- Day  
E -- Evening  
N -- Night/Weekend

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO  
MCI TELECOMMUNICATIONS. THERE IS NO CONNECTION BETWEEN  
MCI TELECOMMUNICATIONS AND U S WEST COMMUNICATIONS.



FOR MCI TELECOMMUNICATIONS Billing inquiries call 1-800-999-9100



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# LONG DISTANCE BILLING

PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

LONG DISTANCE BILLING CO. PAGE 1

## ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
CALLS FROM 585-9424 LONG DISTANCE BILLING CARD CALLS							
1	MAY 20	11:38A	CLEARWATER FL	813 538-9530	F	9	44.91
			FROM BOZEMA MT 406 585-9424				
SUBTOTAL						44.91	

LONG DISTANCE BILLING CO. SUBTOTAL OF ITEMIZED CALLS \$44.91

## TAX SUMMARY

FEDERAL EXCISE TAX	1.35
LONG DISTANCE BILLING CO. SUBTOTAL OF TAXES	\$1.35
LONG DISTANCE BILLING CO. CURRENT CHARGES	\$46.26

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO  
LONG DISTANCE BILLING CO. THERE IS NO CONNECTION BETWEEN  
LONG DISTANCE BILLING CO. AND U.S. WEST COMMUNICATIONS.



FOR LONG DISTANCE BILLING CO.  
Billing inquiries call 1-800-748-4309 (NO CHARGE)



PRINTED ON RECYCLABLE PAPER



PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

FEDERAL TRANSTEL, INC. PAGE 1

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
CALLS FROM 585-9424 AMTEC COMMUNICATION CARD CALLS							
1	MAY 09	8:30A	TALK LINE FROM BOZEMA MT 406	800 391-8899 585-9424	A	5	17.50
2	MAY 16	1:40P	TALK LINE FROM BOZEMA MT 406	800 895-4386 585-9424	A	14	27.72
SUBTOTAL						45.22	
3	MAR 29	2:26P	FTT Credit	800 386-8899	CR	4	15.92CR
4	MAY 09	8:30A	FTT Credit	800 391-8899	CR	5	17.50CR
5	MAY 16	1:40P	FTT Credit	800 895-4386	CR	14	27.72CR
SUBTOTAL						61.14CR	

FEDERAL TRANSTEL, INC. SUBTOTAL OF ITEMIZED CALLS \$15.92CR

TAX SUMMARY

FEDERAL EXCISE TAX

FEDERAL TRANSTEL, INC. SUBTOTAL OF TAXES \$.48CR

FEDERAL TRANSTEL, INC. CURRENT CHARGES \$16.40CR

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO  
FEDERAL TRANSTEL, INC. THERE IS NO CONNECTION BETWEEN  
FEDERAL TRANSTEL, INC. AND U.S. WEST COMMUNICATIONS.



FOR FEDERAL TRANSTEL, INC. Billing inquiries call 1-800-388-8111 (NO CHARGE)



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# AMERICAN TELNET

PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

AMERICAN TELNET, INC. PAGE 1

## ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
CALLS FROM 585-9424							
AMERICAN TELNET INC							
CARD CALLS							
1	APR 20	2:59P	PERSONALS	800 277-7795	D	2	5.00
			FROM BOZEMA MT 406	585-9424			
2	MAY 11	12:40P	PERSONALS	800 277-7795	D	8	23.92
			FROM BOZEMA MT 406	585-9424			
3	MAY 11	12:48P	LIVE TALK	800 277-7795	D	8	31.92
			FROM BOZEMA MT 406	585-9424			
4	MAY 11	1:46P	LIVE TALK	800 277-7795	D	8	31.92
			FROM BOZEMA MT 406	585-9424			
5	MAY 12	7:27A	PERSONALS	800 277-7795	N	8	23.92
			FROM BOZEMA MT 406	585-9424			
6	MAY 12	7:58A	LIVE TALK	800 277-7795	MR	6	23.94
			FROM BOZEMA MT 406	585-9424			
7	MAY 16	1:12P	PERSONALS	800 277-7795	D	6	17.94
			FROM BOZEMA MT 406	585-9424			
8	MAY 16	1:19P	LIVE TALK	800 277-7795	D	12	47.88
			FROM BOZEMA MT 406	585-9424			
SUBTOTAL						206.44	

AMERICAN TELNET, INC. SUBTOTAL OF ITEMIZED CALLS \$206.44

## TAX SUMMARY

FEDERAL EXCISE TAX

AMERICAN TELNET, INC. SUBTOTAL OF TAXES \$6.19

AMERICAN TELNET, INC. CURRENT CHARGES \$212.63

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO  
AMERICAN TELNET, INC. THERE IS NO CONNECTION BETWEEN  
AMERICAN TELNET, INC. AND U S WEST COMMUNICATIONS.

FOR AMERICAN TELNET, INC. Billing inquiries call 1-800-460-0307 (NO CHARGE)



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PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

INTEGRETEL, INC PAGE 1

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
CALLS FROM 585-9424							
INTEGRETEL							
1	MAY 16	12:09P	NTS	800 938-3296	N	11	43.89
2	MAY 16	12:28P	NTS	800 938-7676	N	10	39.90
3	MAY 20	8:25A	NTS	800 938-5829	N	3	11.97
SUBTOTAL						95.76	
4	MAR 11	8:20A	DATA BASE	800 967-0069	CR	11	16.45CR
5	MAR 14	8:56A	DATA BASE	800 967-0069	CR	2	5.98CR
6	MAR 14	8:58A	DATA BASE	800 967-0069	CR	7	10.47CR
7	MAR 24	9:16A	DATA BASE	800 937-6842	CR	3	4.50CR
SUBTOTAL						37.40CR	

INTEGRETEL, INC SUBTOTAL OF ITEMIZED CALLS \$58.36

TAX SUMMARY

FEDERAL EXCISE TAX 1.75

INTEGRETEL, INC SUBTOTAL OF TAXES \$1.75

INTEGRETEL, INC CURRENT CHARGES \$60.11

ADJUSTMENTS-ALREADY APPLIED TO ACCOUNT(SEE SUMMARY)

ADJUSTMENT OF ITEMIZED CALLS ON 06-15-94 70.86CR  
INTEGRETEL, INC SUBTOTAL OF ADJUSTMENTS \$70.86CR

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO INTEGRETEL, INC.  
THERE IS NO CONNECTION BETWEEN INTEGRETEL, INC. AND U.S. WEST COMMUNICATIONS.



FOR INTEGRETEL, INC Billing inquiries call 800 736-7500 (NO CHARGE)



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PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

OMEGA TEL INC. PAGE 1

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
CALLS FROM 585-9424 TECH IV GROUP CARD CALLS							
1	MAY 16	3:39P	NORTH DADE FL	305 940-1256	A	7	27.93
			FROM BOZEMA MT 406	585-9424			
2	MAY 25	12:05P	NORTH DADE FL	305 945-6891	A	9	35.91
			FROM BOZEMA MT 406	585-9424			
SUBTOTAL						63.84	

OMEGA TEL INC. SUBTOTAL OF ITEMIZED CALLS \$63.84

TAX SUMMARY

FEDERAL EXCISE TAX

OMEGA TEL INC. SUBTOTAL OF TAXES \$1.92

OMEGA TEL INC. CURRENT CHARGES \$65.76

ADJUSTMENTS-ALREADY APPLIED TO ACCOUNT(SEE SUMMARY)

ADJUSTMENT OF ITEMIZED CALLS ON 05-26-94 45.21CR  
OMEGA TEL INC. SUBTOTAL OF ADJUSTMENTS \$45.21CR

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO  
OMEGA TEL INC. THERE IS NO CONNECTION BETWEEN  
OMEGA TEL INC. AND U-S WEST COMMUNICATIONS.



FOR OMEGA TEL INC. Billing inquiries call 1 800 950-2532 (NO CHARGE)



PRINTED ON RECYCLABLE PAPER



PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

ITA PAGE 1

THESE CHARGES ARE FOR NON-COMMUNICATIONS SERVICES. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT ALTHOUGH A 900 SERVICE PROVIDER MAY EMPLOY NON-CARRIERS TO SEEK TO COLLECT FOR PAY-PER-CALL CHARGES. PAY-PER-CALL BLOCKING IS AVAILABLE UPON REQUEST, WHERE TECHNICALLY FEASIBLE. ACCESS TO PAY-PER-CALL SERVICES MAY BE INVOLUNTARILY BLOCKED FOR FAILURE TO PAY LEGITIMATE CHARGES.

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
900/700 SERVICE							
CALLS FROM 585-9424							
CREDITS							

ITA							
1	MAR 11	7:39A	900SERVICE	900 468-2868	CR	1	3.00CR
2	MAR 21	3:55P	900SERVICE	900 468-2223	CR	3	9.00CR
3	MAR 24	8:27A	900SERVICE	900 468-2868	CR	6	18.00CR
4	MAR 29	2:51P	900SERVICE	900 468-2663	CR	1	3.00CR
5	MAR 29	3:11P	900SERVICE	900 468-2548	CR	1	3.00CR
ITA SUBTOTAL OF ITEMIZED CALLS							\$36.00CR

TAX SUMMARY

FEDERAL EXCISE TAX

	1.08CR
ITA SUBTOTAL OF TAXES	\$1.08CR
ITA CURRENT CHARGES	\$37.08CR

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO ITA.  
THERE IS NO CONNECTION BETWEEN ITA AND U S WEST COMMUNICATIONS.

FOR ITA Billing inquiries call 1-800-866-8889 (NO CHARGE)



PRINTED ON RECYCLABLE PAPER



PHOEBE CLEMENS  
BLAINE CLEMENS  
BILL DATE: JUN 19, 1994  
ACCOUNT NUMBER: 406-585-5301-224R

VRS BILLING SYSTEMS PAGE 1

THESE CHARGES ARE FOR NON-COMMUNICATIONS SERVICES. NEITHER LOCAL NOR LONG DISTANCE SERVICES CAN BE DISCONNECTED FOR NONPAYMENT ALTHOUGH A 900 SERVICE PROVIDER MAY EMPLOY NON-CARRIERS TO SEEK TO COLLECT FOR PAY-PER-CALL CHARGES. PAY-PER-CALL BLOCKING IS AVAILABLE UPON REQUEST, WHERE TECHNICALLY FEASIBLE. ACCESS TO PAY-PER-CALL SERVICES MAY BE INVOLUNTARILY BLOCKED FOR FAILURE TO PAY LEGITIMATE CHARGES.

ITEMIZED CALLS

NO.	DATE	TIME	TO PLACE	TO AREA NUMBER	TYPE	MINUTES	AMOUNT
900/700 SERVICE							
CALLS FROM 585-9424							
CREDITS							
INTEGRETEL							
1	MAR 09	5:18P	INFO CALL	900 468-5878	CR	3	7.43CR
2	MAR 15	9:58A	INFO CALL	900 468-4475	CR	1	4.95CR
3	MAR 21	4:51P	INFO CALL	900 468-5878	CR	2	9.90CR
VRS BILLING SYSTEMS SUBTOTAL OF ITEMIZED CALLS							\$22.28CR

TAX SUMMARY

FEDERAL EXCISE TAX

VRS BILLING SYSTEMS SUBTOTAL OF TAXES .67CR

VRS BILLING SYSTEMS CURRENT CHARGES \$22.95CR

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO VRS BILLING SYSTEMS. THERE IS NO CONNECTION BETWEEN VRS BILLING SYSTEMS AND U.S. WEST COMMUNICATIONS.

FOR VRS BILLING SYSTEMS Billing inquiries call 800 800-2526 (NO CHARGE)



PRINTED ON RECYCLABLE PAPER



# AMERICAN TELNET

P.O. Box 1321 · Hallandale, Florida 33009-1321

Date: 6-23-94

Dear Ms. Clemens,

We are in receipt of your letter disputing charges for calls to 900 numbers.

Please note that we have placed a block on your telephone number to prevent future access to our services. This block will only prevent service from American TelNet, Inc. It is not effective in blocking calls to any other pay-per-call companies.

A 900 block, which will prevent access to any 900 numbers from your telephone, is offered by all local telephone companies. Because the 900 block is so widely publicized, we feel that previous steps could have been taken to prevent the charges that are now in dispute. Therefore, we intend to sustain the charges.

You should review the call records on your telephone bill and determine from the dates and times of the calls who had access to your telephone when the calls were made.

As owner of the telephone, you are responsible for payment of the charges.

American TelNet, Inc.  
Customer Service Dept.

5/25/94

ITA

Called 5/25 - 9:30 A.M.

K.T. Operator 130

1000 Circle 75 Parkway Suite 700  
Atlanta, Georgia 30339

\* Reversed 100% of charges (takes about 30-60 days  
Inform U.S. West)

INTERTELE/VER

(7) calls from Mar. 11 - 3/24

\$70.86 \$29.70 \$100.66

\* TOOK OFF 50% → \$59.68 (?) 50%

Blocked 800 & 900 lines that they service...

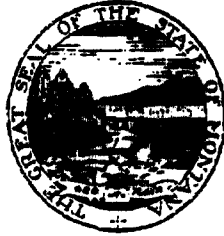
Dorijan Fritz  
Interpretal Engineering Center  
P.O. Box 61187  
San Jose, Ca. 95161-1987

The Long Distance Billing Co.

\$7.98 - Couldn't get thru...

PUBLIC SERVICE COMMISSION  
STATE OF MONTANA

Bob Anderson, Chairman  
Bob Rowe, Vice Chairman  
Dave Fisher  
Nancy McCaffree  
Danny Oberg



1701 Prospect Avenue  
PO Box 202601  
Helena, MT 59620-2601  
Telephone: (406) 444-6199  
FAX: (406) 444-7618  
Compuserve: 70642,1607

May 31, 1994

Kathie Kneff, Chief  
Informal Complaints Branch  
Common Carrier Bureau  
Federal Communications Commission  
Suite 6202  
Washington DC 20554

Dear Ms. Kneff:

Please find enclosed copies of correspondence I received from Phoebe Clemens of Bozeman, Montana, concerning the unauthorized switch of her long-distance service by Matrix and her dispute over the nearly \$400 worth of pay-per-call charges that began appearing on her phone bill soon after the "slam." According to Ms. Clemens, no one in her household made any of these calls. Please note that the disputed calls include 800-number "toll-free" calls that are prohibited by the FCC, as well as international calls.

I'm referring Ms. Clemens' complaint to you at her request and because these are matters within FCC jurisdiction. Thank you for your attention to her complaint.

Sincerely,

A handwritten signature in cursive script that reads "Kate Whitney".

Kate Whitney  
Consumer Representative

Enclosure

cc: ✓ Phoebe Clemens, 3767 Blackwood Road, Bozeman, MT 59715

Blaine A. and Phoebe A. Clemens

3767 Blackwood Road, Bozeman, MT 59715 (406) 585-9424

June 1, 1994

US West Communications  
Salt Lake, UT 84135-0001

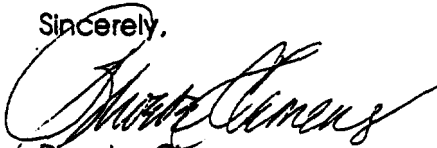
To Whom It May Concern:

Enclosed please find payment for my most recent telephone bill and copies of recent correspondence with the Public Service Commission. I have been advised that it is unlawful to charge for 800 number calls under FCC Rule Part 64, Title 47 (64.1504 restrictions on the use of 800 numbers). I maintain that the 900, 800 and international calls in dispute were not placed by anyone in my household and that I will not pay for them by virtue of this fact and the unlawful nature of the 800 number charges.

I have been in contact with representatives of your business office regarding the disputed charges on my last three bills. I wish to verify in writing that I refuse to pay for services provided by companies other than MCI and US West. Please allocate this and future payments to charges for basic telephone service and legitimate long distance calls. I will continue to contest charges for international calls made to fantasy/chat lines even if placed through MCI.

I appreciate the help and understanding that I have received from US West representatives. I have called several times to several departments and all but one employee have been helpful, courteous, compassionate and professional. I trust that we will be able to work together until this issue is resolved or I have my phone disconnected. I hope full disconnection will not be necessary but am beginning to believe it is the only solution.

Sincerely,



Phoebe Clemens

Enclosures: PSC letters

11/94 vs. vnes

→ Melody @ 1-800-879-2455

called to request Telamerica talk to verify 900# block

- Spoke with Tina

- Ben not available will call back

- advised to call Business Office re North Dade calls

11:10

Joe - \$200/month to block all long distance calls

Blaine A. and Phoebe A. Clemens

3767 Blackwood Road, Bozeman, MT 59715 (406) 585-9424

June 1, 1994

Ms. Kate Whitney  
PSC  
P.O. Box 202601  
Helena, MT 59620

Dear Ms. Whitney:

Enclosed please find my May, 19, 1994, telephone bill. As you can see we continue to have problems with fantasy line calls. This month there is a total of \$146.33 in calls that were not made by anyone in my household.

I bring to your attention the 800 pay-per-call charges that are illegal. You may also find interesting that the North Dade Florida call made on May 12 through TELAMERICA shows on my bill as a "regular" call, as opposed to a 900 or 800 pay-per-call call. The TELAMERICA representative, Ben H., explained to me that the number listed on my bill cannot be direct dialed but is only reached through an access number, 1-900-656-4003. Then, one enters a PIN number signifying agreement to pay for the call. Thus the call shows as a card call. (It is, indeed, not possible to call the number listed on my bill and be connected to any service. We called the number and were given direction to call 305-948-7368 which turns out to offer a message saying it is disconnected.)

Ben refused to credit my account for the disputed charges, refused to transfer me to a supervisor and initially refused to give me the access number referred to above. When I told him that I have a 900 number block on my phone he said that he needed verification from my local carrier of the block. If the 900 block had been placed before the calls were made, then he would credit my account. I called TELAMERICA again with US West on the line. Ben was unable to speak with us. The second representative, Tina, said that the access number for the call listed on my bill is an 800 number. When I told her that charging for 800 calls is illegal and that I could quote the FCC regulation number to this effect, she told me that I could quote all I liked because TELAMERICA is an FCC-approved operation.

I have called each company with questionable charges on my bill and have asked each to block their 800 services. However, I have been told that there are 50 or more carriers that offer fantasy lines. As you can imagine, I am not able to contact all these companies to request blocks on their services. If I choose to block all long-distance calling, I will be charged \$2.00/month. And, as you indicated, this will not put an end to the charges for 800 calls. Finally, a service check on my line shows it to be free and clear.

I become increasingly outraged by this situation. Not only am I being exploited, but I am also unable to protect myself from the exploitation by any means short of cutting off my telephone service completely. Furthermore, I am burdened with the task of contacting phone companies time and again in pursuit of resolution to this problem. I have spent over 4 hours seeking resolution of disputed calls from this bill alone and do not wish to continue doing so in the future! Is there not any recourse aside from that I have taken?

Once again, I thank you for your help and entreat you to take appropriate action to put an end to the misuse of telephone services. I request your guidance in any further action I might take and ask that you forward my concerns, again, to the FCC and any other pertinent agency.

Sincerely,



Phoebe Clemens

Enclosures: 5/19 bill

Spoke w/ Fred

- "can disconnect regular service over 900 numbers depending on agreement w/ companies"

- will not give last name

- Telling office

\* US West

— "Jim" only one in office  
If calls not taken off,

call 900 group @

US West

- told him to send referral to pay notice

1-800-879-2455

16T - 10.00	}      MXT AT
WVA - 36.00	
1VX - 7.98	
16X - 29.70	

- call local office  
- explain what's up  
- do not credit to  
factory lines



Spec of new plan  
Billing office

- requested allocation of  
payments to local  
service + MCI ONLY  
for Mar + April bills

- was assured of no  
disconnect to good  
credit